

§519.10

552b(c). Notice of Sunshine Act meetings must be published at least one week prior to the date of the meeting (5 U.S.C. 552b(e)).

(j) Notices of establishment or renewal of advisory committees in accordance with their directives, statutory and/or nonstatutory authority.

(k) Public information collection requirements in compliance with the Paperwork Reduction Act (PRA, 44 U.S.C. 3501 *et seq.*)

(l) Descriptions of particular programs, policy, or procedures in detail such as—

- (1) Decisions and ruling;
 - (2) Grant application deadlines;
 - (3) Availability of Environmental Impact Statements;
 - (4) Delegations of authority;
 - (5) Issuance or revocation of licenses; and
 - (6) Hearings and investigations.
- (m) Each amendment, revision, or repeal of the foregoing.

§519.10 Requirements pertaining to the information to be published.

The following procedures will be completed before submitting rules/regulations for publication—

(a) An economic analysis (EA) of the proposed or existing regulation. The EA should assess the effects of the regulation on the State, local, and tribal governments, and the private sector. An EA threshold of an annual effect on the economy of \$100 million or more has been established for all regulations (Executive Order 12866.)

(b) Regulations containing collection of information requirements will be forwarded through the DCS, G-1 (DAPE-ZXI-RM) to OMB prior to publication as a proposed rule in the FEDERAL REGISTER. In addition, the proponent will address any collection of information comments filed by the Director, OMB, or the public in the final rule.

(c) Statutory and nonstatutory authorities mandate regulatory review of all Department of the Army proposed, interim, final, and withdrawn rules/regulations. The results are published in the semiannual Unified Agenda of Federal Regulatory and Deregulatory Actions. Under the requirements of regu-

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latory review, the proponent will notify RMDA (AHRC-PDD-RP) when—

- (1) Drafting a regulation that would affect the public.
- (2) Reviewing regulations for revision or rescission.
- (3) Rescinding a regulation.

§519.11 Incorporation by reference.

(a) Incorporation by reference allows the proponent to comply with the requirements to publish regulations in the FEDERAL REGISTER by referencing materials published elsewhere (e.g., materials that may be purchased from the Government Printing Office (GPO) or depository libraries or are available for review at Army installations). Incorporated material has the same force and legal effect as any other properly issued regulation. Before a document can be incorporated by reference, the proponent must determine that it is available to the public (*see* 5 U.S.C. 552(a) and 1 CFR Part 51).

(b) Material is eligible for incorporation by reference if it—

- (1) Is published data, criteria, standards, specifications, techniques, illustrations or similar materials.
- (2) Is reasonably available to and usable by the class of persons affected by the publication.
- (3) Does not reduce the usefulness of the FEDERAL REGISTER publication system.
- (4) Benefits the Federal Government and members of affected classes.
- (5) Substantially reduces the volume of material published in the FEDERAL REGISTER.

(c) Incorporation by reference is not acceptable as a complete substitute for promulgating in full the material required to be published. It can, however, be utilized to avoid unnecessary repetition of published information already reasonably available to the class of persons affected. Examples include:

- (1) Construction standards issued by a professional association of architects, engineers, or builders;
- (2) Codes of ethics issued by professional organizations; and,
- (3) Forms and formats publicly or privately published and readily available to the person required to use them.